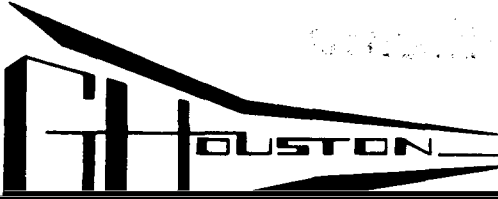


Posted
8-16-91



FCC MAIL SECTION

ASSOCIATES - ATTORNEYS AT LAW

1010 NORTH FOWLER • PHONE (505) 393-0567 • HOBBS, NEW MEXICO 88240

IN THE FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, DC 20554

PERLA ACOSTA OJEDA,

Applicant.

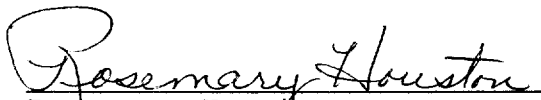
File No. BPH-910705-M^L

1/0 PETITION TO DISMISS APPLICATION 5

COMES NOW Rosemary Houston and moves the Commission to dismiss the application of PERLA ACOSTA OJEDA, and for reason states:

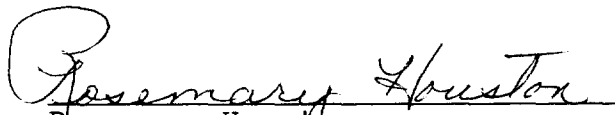
1. The Commission has allocated a new FM Station on channel 243A (96.5MHZ) to Hobbs, New Mexico. Applications were accepted through July 5, 1991.
2. Perla Acosta Ojeda filed an application, Number BPH-910705-M^L.
3. Rosemary Houston filed an application, Number BPH-910705-MH.
4. Applicant Ojeda certified in her application her willingness to comply with the regulations pertaining to Public Notice (47 C.F.R., Section 73.3580); however, the time period for such notice has expired, and she has failed to publish the required notice within the guidelines.
5. Hobbs, New Mexico is served by only one daily newspaper, the Hobbs Daily News-Sun; thus public notices were required to have appeared in the columns of that publication. An intensive search has been made for Applicant Ojeda's public notice in the Hobbs Daily News-Sun, and Belinda Cavner, Classified Advertising Manager for the paper, has confirmed that no such public notice was requested nor published on behalf of Applicant Ojeda. Belinda Cavner's card is attached as Exhibit A.
6. Additionally, since Applicant Ojeda certified compliance within the application submitted to the Commission (Section VII-Certifications, Question #1, Page 24), and since the required public notice serves to inform the citizens of the community of the applicant's intent and location of the local Public File, it is believed that the applicant omitted this obligation intentionally in order to allow the time for comment and response to the Commission to expire.
7. Applicant Ojeda's overt failure to comply with the rules and regulations applicable in the matter has denied the citizens of the proposed service area the opportunity to respond or review the applicant's Public File; therefore, as the applicant assured compliance with this regulation, the application is incomplete and therefore void.

WHEREFORE, petitioner requests that the Commission dismiss the above styled and numbered application.


Rosemary Houston
1000 East Sanger
Hobbs, NM 88240

CERTIFICATE

I, Rosemary Houston, certify under penalty of perjury that I have mailed a true and correct copy of the foregoing Petition to Dismiss Application to Perla Acosta Ojeda, 110 South Willow, Hobbs, NM 88240, with sufficient First Class postage, this 12th day of August, 1991.


Rosemary Houston

Hobbs Daily News-Sun

Belinda Cavner

Classified Advertising Manager

201 N. Thorp, P.O. Box 860 (505) 393-2123
Hobbs, New Mexico 88241 Fax (505) 393-5724

Exhibit A